

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintff,

vs.

WAYNE D. LOZIER, Jr. and

JODY L. SULLIVAN

Defendants.

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Case No. 4:21 CR 0365 RLW/JMB

**DEFENDANTS LOZIER AND SULLIVAN’S MOTION TO DISMISS THE
INDICTMENT**

NOW INTO COURT, come defendants, Wayne D. Lozier, Jr. and Jody L. Sullivan, by and through counsel, and move this Honorable Court to dismiss the indictment [ECF No. 35] for failure to state an offense pursuant to Fed. R. Crim. P. 12(b)(3)(B)(v) and for the reasons set forth in the accompanying memorandum in support of this motion.

Respectfully submitted,

/s Ralph S Whalen, Jr.

Ralph S. Whalen, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that on May 25, 2022, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

s/Ralph S. Whalen, Jr.
Ralph S. Whalen, Jr.